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MISSOULA, MT

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PATRICK E. DUFFY

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

MICHAEL BAPTISTE,)	CV 06-123-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
STATE OF MONTANA;)	
WESTERN MONTANA MENTAL HEALTH;)	
and COUNTY OF MISSOULA,)	
)	
Defendants.)	
_____)	

United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 29, 2006. Michael Baptiste did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

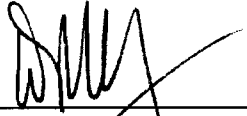
Judge Lynch concluded that Plaintiff's Complaint should be Dismissed without prejudice pursuant to the Younger abstention

doctrine.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #3) and I adopt them in full.

IT IS HEREBY ORDERED that Plaintiff's Complaint is DISMISSED without prejudice pursuant to the Younger abstention doctrine.

DATED this 2nd day of October, 2006.



DONALD W. MOLLOY, CHIEF JUDGE
UNITED STATES DISTRICT COURT
